

REMARKS

These remarks are in response to the Office Action mailed January 30, 2004. Claims 2, 4 and 6 have been canceled without prejudice to Applicants' right to prosecute the canceled subject matter in any divisional, continuation, continuation-in-part, or other application. Claim 1 has been amended. The amendments to claim 1 are supported throughout the specification and in the claims (e.g., claims 2, 4, and 6). Claim 10 has been amended to correct dependencies upon cancellation of claims 2, 4, and 6. No new matter is believed to have been introduced.

I. CLAIM OBJECTIONS

Claims 2, 4 and 6 have been canceled thus the objection is moot.

II. REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 1-12 stand rejected under 35 U.S.C. §112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants have canceled claims 2, 4, and 6, thus the rejection is moot with respect to these claims. Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3, 5, 7-12 depend, has been amended. Applicants submit that one of skill in the art can identify, without undue effort, polyester polymerase genes or variants, beta ketothiolase genes or variants and NADPH-acetoacetyl CoA reductase genes or variants that can be used in the compositions of the invention. However, in order to advance prosecution, Applicants have amended claim 1. Applicants submit that the amendment to claim 1 satisfies the written description requirement and thus the rejection under §112 may be properly withdrawn.

Applicant : Yoshiharu Doi et al.
Serial No. : 09/807,123
Filed : April 5, 2001
Page : 6 of 6

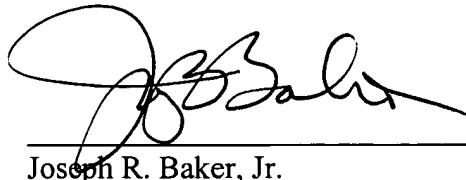
Attorney's Docket No.: 13725-002001 / PH-1046PCT-
US

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

3/15/04



Joseph R. Baker, Jr.
Reg. No. 40,900

Fish & Richardson P.C.
PTP Customer No. 20985
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099